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May 5, 2006

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Art Unit 1647**

**Attn: Mail Stop Amendment**

Re: U.S. Utility Patent Application  
Application No. 09/918,589; Filed: July 30, 2001  
For: **Fluorescence Polarization Assays for Screening Binding of Ligands of Steroid Hormone Receptors (As Amended)**  
Inventors: Halbleib *et al.*  
Our Ref: 0942.7200001/RWE/CMB

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Credit Card Payment Form (PTO-2038) in the amount of \$180.00 to cover the Information Disclosure Statement fee;
2. Fifth Supplemental Information Disclosure Statement Filing Under 37 C.F.R. § 1.97(c);
3. Form PTO/SB/08A one (1) page listing cited documents AA-AD;
4. Form PTO/SB/08B one (1) page listing cited documents AQ-AW;
5. Copies of cited documents AQ-AV; and
6. A return postcard.

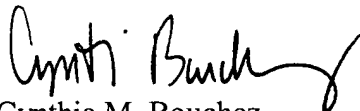
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
May 5, 2006  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Cynthia M. Bouchez  
Attorney for Applicants  
Registration No. 47,438

RWE/CMB/ACF/tts  
Enclosures

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**FIFTH SUPPLEMENTAL  
INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

*(Use as many sheets as necessary)*

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|-------|---|----|---|
| Sheet | 1 | of | 1 |
|-------|---|----|---|

***Complete if Known***

|                        |                      |
|------------------------|----------------------|
| Application Number     | 09/918,589           |
| Filing Date            | July 30, 2001        |
| First Named Inventor   | Halbleib, Cale M.    |
| Art Unit               | 1647                 |
| Examiner Name          | Shafer, Shulamith H. |
| Attorney Docket Number | 0942.7200001/RWE/CMB |

## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

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|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \* Applicant's unique citation designation number (optional). \* See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. \* Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). \* For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. \* Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. \* Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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| <b>FIFTH SUPPLEMENTAL<br/>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br>(Use as many sheets as necessary) |   |    |   | Application Number       | 09/918,589           |
|  |   |    |   | Filing Date              | July 30, 2001        |
|  |   |    |   | First Named Inventor     | Halbleib, Cale M.    |
|  |   |    |   | Art Unit                 | 1647                 |
|  |   |    |   | Examiner Name            | Shafer, Shulamith H. |
| Sheet  | 1 | of | 1 | Attorney Docket Number   | 0942.7200001/RWE/CMB |

| NON PATENT LITERATURE DOCUMENTS |                       |   |                |
|---------------------------------|-----------------------|---|----------------|
| Examiner Initials*              | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published  | T <sup>2</sup> |
|                                 | AQ                    | Aucouturier, P., <i>et al.</i> , "Fluorescence Polarization Immunoassay of Estradiol," <i>Diagnostic Immunology</i> 1:310-314, Alan R. Liss, Inc. (1983)  |                |
|                                 | AR                    | Boyer, M., <i>et al.</i> , "Quantitative characterization of the interaction between purified human estrogen receptor $\alpha$ and DNA using fluorescence anisotropy," <i>Nucleic Acid Res.</i> 28:2494-2502, Oxford University Press (July 2000)   |                |
|                                 | AS                    | Chang, C.-Y., <i>et al.</i> , "Dissection of the LXXLL Nuclear Receptor-Coactivator Interaction Motif Using Combinatorial Peptide Libraries: Discovery of Peptide Antagonists of Estrogen Receptors $\alpha$ and $\beta$ ," <i>Mol. Cell. Biol.</i> 19:8226-8239, American Society for Microbiology (December 1999)   |                |
|                                 | AT                    | Hwang, K.-J., <i>et al.</i> , "5,6,11,12-Tetrahydrochrysenes: Synthesis of Rigid Stilbene Systems Designed To Be Fluorescent Ligands for the Estrogen Receptor," <i>J. Org. Chem.</i> 57:1262-1271, American Chemical Society (1992)  |                |
|                                 | AU                    | Miksicek, R.J., <i>et al.</i> , "Studies Using Fluorescent Tetrahydrochrysene Estrogens for <i>in Situ</i> Visualization of the Estrogen Receptor in Living Cells," <i>Mol. Endocrinol.</i> 9:592-604, The Endocrine Society (1995)   |                |
|                                 | AV                    | Ozers, M.S., "Equilibrium Binding and Kinetic Analysis of Estrogen Receptor Interaction with DNA by Fluorescence Anisotropy," A dissertation submitted to the Graduate School of the University of Wisconsin-Madison in partial fulfillment of the requirements for the degree of Doctor of Philosophy, University Microfilms International Dissertation Services, 223 pages (1997) |                |
|                                 | AW                    | Co-pending U.S. Application No. 11/045,031, inventors Burke, T., <i>et al.</i> , filed January 27, 2005 (NOT PUBLISHED)   |                |
|                                 |                       |   |                |
|                                 |                       |   |                |

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|                    |                 |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Halbleib *et al.*

Appl. No.: 09/918,589

Filed: July 30, 2001

For: **Fluorescence Polarization Assays  
for Screening Binding of Ligands  
of Steroid Hormone Receptors (As  
Amended)**

Confirmation No.: 2015

Art Unit: 1647

Examiner: Shafer, Shulamith H.

Atty. Docket: 0942.7200001/RWE/CMB

**Fifth Supplemental Information Disclosure Statement  
Filing Under 37 C.F.R. § 1.97(c)**

***Mail Stop Amendment***

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

05/08/2006 JADD01 00000112 09918589

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Sir:

Listed on accompanying Forms PTO/SB/08A and PTO/SB/08B are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. This Fifth Supplemental Information Disclosure Statement is a continuation of the Applicants' Fourth Supplemental Information Disclosure Statement filed on May 24, 2005 in connection with the above-captioned application.

Copies of documents **AQ-AV** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents, documents **AA-AD**, cited on the attached Form PTO/SB/08A are not submitted.

In addition, a copy of document **AW** is not provided in accordance with the U.S. Patent and Trademark Office OG notice of October 19, 2004, which states: "the requirement in 37 C.F.R. § 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent application (or portion of the application which caused it to be listed) is sua sponte waived where the cited pending application is stored in the USPTO's IFW system."

The Examiner's attention is directed to the following co-pending U.S. Patent Application, which is directed to related technical subject matter:

Application No. 11/045,031, inventors Burke, T., *et al.*, filed January 27, 2005, not yet published, cited herein as document **AW**.

The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. Attached is our PTO-2038

Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return copies of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Cynthia M. Bouchez  
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Date: May 5, 2006

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